IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINAL APPLICATION NO. 5611 OF 2004.
IN
CRIMINAL APPEAL NO. 1495 OF 2004.

Jaywant Shankar More. .. Applicant.
vs.
The State of Maharashtra. .. Respondent.

Shri N.S. Pathak for the applicant.
Shri D.P. Adsule, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 12-1-2005.

ORAL ORDER:

1. Heard learned Counsel appearing on behalf of the applicant and the learned A.P.P. for the State.

2. The applicant is convicted by the trial Court for the offence punishable under section 307 of the Indian Penal Code and is sentenced to suffer Rigorous Imprisonment for 7 years. The prosecution case is that the complainant and others were drinking alcohol below the flyover when applicant came there and fired bullet on the complainant as a result of which P.W. 2- Anand was injured on the thigh with the bullet. The trial Court has observed that the witnesses P.W.2 and P.W.5 were drinking alcohol below the flyover. The injury which is caused to P.W.2- the complainant - Anand is on the thigh and not on any vital part of the

body. There is discrepancy regarding seizure of the revolver from the accused and two different versions have been given by the witnesses and investigating officer.

3. In these circumstances, the applicant is directed to be released on bail in the sum of Rs. 5,000/- (five thousand) with one or two sureties in the like amount. He shall report to Naupada Police Station once in a week.